

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
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Adrienne WALSH, et al.)	Group Art Unit: 3632
)	
Application No.: 10/821,337)	Examiner: Wood, Kimberly T.
)	
Filed: April 8, 2004)	
)	
For: TRANSDUCER HOLDER)	Confirmation No.: 9081

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

AMENDMENT AND REPLY TO OFFICE ACTION

In reply to the Office Action mailed March 24, 2006, the Applicants submit the
follow amendment and remarks:

Amendments to the Claims are reflected in the listing of claims in this paper.

Remarks/Arguments follow the amendment sections of this paper.

AMENDMENTS TO THE CLAIMS:

This listing of claims will replace all prior versions and listings of claims in the application:

1. (Currently Amended) A transducer holder comprising:

a base;

at least one strap fixedly attached to one end of the base, the at least one strap adapted to encircle a limb of a patient to secure the base to the limb so that one surface of the base faces the limb and a second surface of the base faces away from the limb; and a plurality of fasteners arranged on the second surface of the base for respectively securing ~~one or more~~ a plurality of transducers to the base, each fastener including first and second ends, each end constructed and arranged to thread through an opening in a transducer assembly to secure a transducer, each fastener fixedly attached to the second surface of the base at a central location on the fastener between the first and second ends of the fastener, wherein the transducer holder is adapted to secure a transducer by threading the first and second ends through the transducer assembly openings and attaching the first end to the second end thereby substantially surrounding and securing the transducer in place, and wherein the fasteners are arranged to be laterally offset with respect to one another across the base such that a the plurality of transducers are substantially parallel with respect to one another when respectively secured by the plurality of fasteners.

2. (Canceled)

3. (Previously Presented) The transducer holder according to claim 1, wherein the plurality of fasteners include hook fasteners.

4. (Canceled)

5. (Canceled)

6. (Canceled)

7. (Previously Presented) The transducer holder according to claim 1, wherein hook material on the first end of each fastener secures the transducer by attaching to loop material on the second end.

8-9. (Canceled)

10. (Original) The transducer holder according to claim 1, wherein the at least one strap includes first and second straps adapted to secure the transducer holder to a patient's arm.

11. (Original) The transducer holder according to claim 10, wherein the first and second straps secure the transducer holder by the first and second straps wrapping around the patient's arm and the first strap attaching to the second strap.

12. (Original) The transducer holder according to claim 11, wherein the first strap includes a hook fastener for adhering to the second strap.

13. (Previously Presented) The transducer holder according to claim 10, wherein the plurality of fasteners include hook fasteners.

14. (Canceled)

15. (Canceled)

16. (Previously Presented) The transducer holder according to claim 13, wherein hook material on the first end of each fastener secures the transducer by attaching to loop material on the second end.

17-20. (Canceled)

REMARKS

In response to the Office Action mailed March 24, 2006, Applicants respectfully submit the attached amendments and request reconsideration of the application. Claims 1, 3, 7, 10-13, and 16, of which claim 1 is independent, are currently pending in the application. Claim 1 is currently amended. Claims 3, 7, 13, and 16 were previously presented. Claims 10, 11, and 12 are the original claims. Claims 2, 4-6, 8-9, 14-15, and 17-20 have been canceled.

The Office has rejected claims 1, 3, 7, 10, 11, 13, and 16 under 35 U.S.C. § 102(b) as being anticipated by Herring, USP 5,535,928. The Office has also rejected claims 1, 3, 10, 11, 12, and 13 under 35 U.S.C. § 102(b) as being anticipated by Tari, USP 4,662,366. Applicants respectfully traverse the foregoing rejections, as claim 1 patentably distinguishes over these references for the following reasons.

Herring does not disclose or suggest several limitations of Applicants' claims. For example, Applicants first note that Herring is designed to hold a portable article, such as a telephone or pager, on a person's belt, and is incapable of functioning as a transducer holder, as recited in Applicants' claims. For example, in its "configured orientation," the holder of Herring includes a "bottom segment 35" that would interfere with the positioning of a plurality of transducers being held. See col. 3, l. 56 to col. 4, l. 5.

Second, the fasteners 14 and 60 of Herring are stitched on an opposite surface of the cross strap 12 relative to the article being held, and therefore Herring does not disclose or suggest, and in fact teaches away from, "each fastener fixedly attached to the second surface of the base at a central location on the fastener between the first

and second ends of the fastener."

Third, claim 1 has been amended to recite that the at least one strap is "fixedly" attached to one end of the base "to secure the base to the limb." In Herring, an individual's belt 54 is threaded through loop 50 and is not fixedly attached to the cross strap 12. In fact, the ability to reposition the holder (and article being held) along the belt 54 is an advantage of Herring in its intended field of use (holding a cellular phone). Further, in Herring the cross strap 12 extends away from the belt 54, leaving the distal end free, thereby allowing unacceptable movement of any transducers held by the device, further evidencing the fact that the teachings of Herring are inapplicable. Thus, Herring also does not disclose or suggest this limitation.

Fourth, claim 1 has been amended to recite that a plurality of fasteners arranged on the second surface of the base are for "respectively securing a plurality of transducers to the base." Herring clearly discloses that straps 14 and 60 are used in conjunction to hold a single article, not separate respective articles. Accordingly, Herring also does not disclose or suggest this limitation.

Fifth, claim 1 has been amended to recite that "the fasteners are arranged to be laterally offset with respect to one another across the base such that the plurality of transducers are substantially parallel with respect to one another when respectively secured by the plurality of fasteners." As disclosed in Applicants' figures, laterally offsetting the fasteners 72, 74, and 76 enables a plurality of transducers to be held in parallel on the base to permit the care giver ease of access to each transducer. Herring clearly discloses that fasteners 14 and 60 are laterally aligned with respect to one another, and in fact, the fasteners 14 and 60 of Herring could not function to hold the

article in Herring if they were laterally offset, as required by Applicants' claims. Thus, Herring also does not disclose or suggest this limitation, and in fact teaches away from the claimed transducer holder in this respect.

Tari is entirely inapposite. Tari discloses an arm support for immobilizing an arm, not for holding an article to an arm. In fact, Tari clearly discloses a catheter 13 that is *not* held by the arm support. See Fig. 2. Tari also does not disclose or suggest the following limitations: (1) a plurality of fasteners for respectively holding a plurality of articles (both straps 38 and 38' in Tari are for holding a single arm); (2) each fastener fixedly attached to the second surface of the base at a central location on the fastener between the first and second ends of the fastener, each end constructed and arranged to thread through an opening in a transducer assembly (the Tari fasteners 38 and 38' only have one free end configured to pass through a buckle 34 of the same fastener, and are not fixedly attached to 12 at a central location); and (3) laterally offset fasteners (like Herring, the straps 38 and 38' are not laterally offset, they are laterally aligned).

Accordingly, for all of the foregoing reasons, claim 1 patentably distinguishes over Tari and Herring, and should be allowed. The remaining claims depend from claim 1 and are allowable for at least the same reasons.


In view of the foregoing amendments and remarks, the Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any further extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: September 25, 2006

By: 
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